

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:

WC 3rd AND CONGRESS LP,

Debtor.

§
§
§
§
§

CASE NO. 20-10887-tmd

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s): WC 3rd and Congress LP.
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

- ☐ Plaintiff
☐ Defendant
☐ Other (describe) _____

For appeals in a bankruptcy case and not in an adversary proceeding.

- ☒ Debtor
☐ Creditor
☐ Trustee
☐ Other (describe) _____

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: Order Granting Motion to Dismiss Case [Doc 59]
2. State the date on which the judgment, order, or decree was entered: September 14, 2020.

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

- | | | |
|---|-----------|--|
| 1. Party: Gregory S. Milligan | Attorney: | Stephen W. Lemmon
Streusand, Landon, Ozburn
& Lemmon LLP
1801 S. MoPac Expressway
Suite 320
Austin, TX 78746
Telephone: (512) 236-9900 |
| 2. Party: The Roy F. & Joann Cole
Mitte Foundation | Attorney: | William H. Daniel
McGinnis Lochridge LLP
600 Congress Avenue
Suite 2100
Austin, TX 78701
Telephone: (512) 495-6000 |

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

DATED: September 28, 2020

Respectfully submitted,

/s/ Mark H. Ralston
Mark H. Ralston
Texas State Bar No. 16489460
Fishman Jackson Ronquillo PLLC
13155 Noel Road, Suite 700
Dallas, TX 75240
Telephone: (972) 419-5544

ATTORNEYS FOR DEBTOR
WC 3rd AND CONGRESS LP

CERTIFICATE OF SERVICE

I certify that on the 28th day of September, 2020, a true and correct copy of the foregoing document was sent to the following via electronic mail and first-class mail:

Stephen W. Lemmon
Streusand, Landon, Ozburn
& Lemmon LLP
1801 S. MoPac Expressway
Suite 320
Austin, TX 78746

William H. Daniel
McGinnis Lochridge LLP
600 Congress Avenue
Suite 2100
Austin, TX 78701

/s/ Mark H. Ralston
Mark H. Ralston